

**A STUDY ON WOMEN'S RIGHTS IN ISLAM AND SITUATION OF MUSLIM WOMEN IN
PRESENT DAY SOCIETY**



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Abstract:

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. All human beings are entitled to enjoy certain rights without any distinction of caste, creed, religion, sex etc. But the reality is different; every human being is a victim of one or the other types of human right violation. In the modern world women's rights and gender discrimination have become buzzwords, particularly the Muslim women have become the centre of attention both at national and international level. However Islam has protected and promoted the women's rights in a great deal. Islamic considers woman not only equal to man but in some respects give her importance more than man. Notwithstanding the misconception spread to the contrary, the present demonstrates beyond doubt that the gender equality, freedom and dignity that Islam offers to woman remain unparalleled. The purpose of this paper is only to clarify the Islamic position on the matter and not to imply that women in the Islamic societies across the world do not require any programmes of equality. They do so. The degeneration of the Muslim woman around the world over the past centuries is a necessary corollary to their cultural disorientation wrought in the main by the colonial holocaust. The present paper highlights the rights of women as per the Quran and the sayings of the Prophet, and the situation of Muslim women in the present society. The paper concludes that women in Islam have a great deal of rights to enjoy but the due to the common misconceptions of Muslim women have made them socially, economically and politically etc. backward in the present day societies.

Keywords: Islam, women's rights, Al- Quran, Prophet Muhammad (PBUH)

Introduction:

According to the Oxford Dictionary, Women's Rights are, "rights that promote a position of legal and social equality of women with men".

According to the Webster's dictionary, "Women's rights claimed for women equal rights with those of men with respect to suffrage {right to vote}, property etc".

The issue of women continue to dominate the Islamic world in particular, as there has been a very slow change in the position of women in the Islamic world as a whole. With few exceptions the age old laws have not been changed. The question of women's rights has acquired a great importance throughout the world and among all communities. The reason is obvious, for thousands of years women are kept in total subjection in all patriarchal societies, and it so happened that the most societies were patriarchal. Thus for centuries it was considered as a natural law that women were inferior to men and must submit to the latter's right for smooth running of the family life. Democratic politics both the capitalist and socialist economies have brought about a new consciousness of rights of women. Women can no longer be subjugated as they were in feudal society. Indeed, they now refuse to be treated as a property of men. They even refuse to be considered lower in social status than men. Women insist, and rightly so, on being equal to men in every respect. However in south Asia—and other African and Asian countries as well, religion is predominant and everything including women's rights is seen through the prism of religion. Religion however is a strong cultural force and is an important constituent of our social consciousness and a significant deterrent of our traditions. Hence the, religion still plays a crucial role in determining the rights of women in our society.

There are widespread perceptions that Muslims women are among the most backward, illiterate and oppressed in the world. The Muslim women are confined to stay in the four walls of their home totally cut off from the world. What happened in the Muslim world is usually the blame on Islam. However Islam is one of the religions which have discussed the rights of women in great details. The teachings of the Islam are based on the two important sources which are Holy Quran, (which Muslims believe as the word of God) and the Sayings of Prophet Muhammad (PBUH) (which Muslims believe as the last messenger of God) i.e. Hadith. The rights of women in Islam should be judged on the bases of true Islamic teachings and not on the bases of what the individual Muslims do in the society. The authentic teachings are the Quran and the Hadith; the Quran will never contradict itself, nor will the Hadith contradict itself. Scholars differ at times; these differences on many occasions can be removed by analysing the Quran as a whole and not by deriving the meaning from one single verse. In cases of ambiguity the clarification is given in some other part of the Quran. To support one idea the scholars quote a source and ignore other sources. As per as the Hadith literature is concerned Prophet Muhammad (PBUH) was a feminist. Prophet himself has liberated the women and as per the teachings of Hadith the women have equal rights with men, gender is neither a credit nor an aristocratic as per the teachings of Hadith. The women in Islam is concerned as "that when a woman is as mother the paradise lies under her feet, when she is wife, she completes half her husband's faith, and when she a daughter she smoothes the way of her father to paradise". The problem presented here are not the problems of Islam; they are problems of a lack of commitment, lack of application, or misapplication of Islamic teachings by Muslims themselves. The topics the researcher has tried to cover here represent and exemplify the big gap that exists between the true teachings of Islam as derived from its original sources and its projected

image among the Muslims the way some Muslims behave in the disregard of those noble teachings.

There's no question that the media has played an important role in perpetuating these misconceptions. But in fairness, we should not blame the media alone. The strong cultural belief and the lack of interpretation of true Islamic teachings have added to the miseries of Muslim women throughout the world. Islam recognizes all the basic human, social, economic and political rights of women. The Quran in its various chapters has specified the rights of women and chapter number 3 of the Quran is totally on the women. The Arabic name of the chapter is Al- Nisa i.e. the women. Similarly detailed guidance and insight into the very topic is given in many other chapters and in the sayings of the Prophet (PBUH). In the present day society the Muslim women are more or less deprived and marginalised, which has added to the miseries of women and there is no base of these restrictions put upon the Muslim women rather a cultural belief.

Methodology:

The present study is based on secondary sources of data and makes an attempt to examine the rights of women in Islam. It is primarily a fact finding study based on the exploratory method. This study evaluates the long term rights of women in the perspective of Quran and Hadith, and describes the situation of Muslim women in present day. Thus this study is based on the Descriptive and Historical approach.

Rights of women in Islam:

The researcher has discussed the rights of women in the present paper under four main headings these are,

1. Spiritual rights.
2. Economic rights
3. Educational rights.
4. Political rights

Spiritual rights:

There is a common misconception that the paradise in Islam is meant for Men only but this misconception can be cleared the following verse of the Quran which says,
Translation:

"If any do deeds of righteousness be they male or female and have faith, they will enter heaven, and not the least injustice will be done to them. (Al- Quran, Chapter 4, verse 124).

The Quran makes it clear that both men and women have a same spiritual nature; this is clear from the following verse which says,

Translation:

Oh Human kind! Reverence your Guardian-Lord who created you from a single person and created of like nature his mate."(Al- Quran, chapter 4, verse no. 1)

In another verse the Quran places it as,

Translation:

"Whosoever performs good deeds whether male or female and is a believer, we shall surely make him live a good life and we will certainly reward them for the best of what they did. (Chapter no.16 verse no97)

As per as the spiritual rights of women is concerned there is no discrimination on the bases on gender both the male and female are punishable to Almighty and those who

are righteous will be awarded, i.e. the paradise . The spiritual and moral duties for men and women are essentially the same. In fact there are certain concessions given to women. Pregnant ladies and menstruating women need not fast during such days, but later compensate for the same.

Economics rights:

More than 1,300 years before the west gave economical rights to women; Islam recognised the rights of adult women. Any adult woman has the right to possess or to own or to dispose any of her own property in any way she feels fit irrespective of whether she is single or married. The first time that rights of married women was recognised in the West whereby she could own and dispose of property without the control, approval or consent of her husband was in 1870s in England under the “Married Women Property Act”. This Act was later amended in 1882 and 1887.

Woman is considered as a Home maker in Islam and not a housewife because she is not married to a house. She can also work and is entitled to get equal pay if she does the same job as that of a male. There is no text in the Qur’an or the Sunnah which makes it unlawful for women to work or to do any lawful job or profession (provided it is within the modesty level and within the purview of the Shariah). She cannot take up jobs which are based on exhibiting her beauty and body, like working in coal mines etc. Many jobs which are forbidden for women are also forbidden for men, for example serving liquor, working in gambling dens, dealing in corruption and dishonest businesses, etc. A true Islamic Society should have some women as professionals such as women physicians (doctors), women nurses, women teachers, etc. Women have no financial obligations in Islam. It is the duty of the man in the family to look after the financial aspects of the family. Therefore under normal conditions a woman need not work and is not required to earn her livelihood or that of her family. However in certain genuine cases due to financial crisis in the family where both ends do not meet, she has the option to work with the permission of work, even in such conditions no one can force her to work and if she takes up a job it is by exercising her own free will.

The Quran says,

Translation

And when he arrived at the water (a well) of Madyan (Midian), he found there a group of men watering (their flocks), and beside them he found two women who were keeping back (their flocks). He said: —What is the matter with you? They said: —We cannot water (our flocks) until the shepherds take (their flocks). And is our father is a very old man. (Al-Quran chapter no.28, verse no. 33).

There is a common misconception among the Muslims that women cannot do a job or she can work outside of their home which is baseless.

Educational rights:

One of the most important rights granted to women by Islam is the right to education. Both are integral parts of the Islamic religion. Islam encourages its followers to enlighten themselves with the knowledge of their religion as well as other branches of knowledge. It holds the person who seeks knowledge in high esteem and has exalted his position.”

Indeed, the first verse of the Quran was a command to the Prophet to read was (Iqra):

Translation:

‘Read! In the name of your Lord Who created, created man from clots of congealed blood. *Read! Your Lord is the Most Bountiful One, Who taught by the pen, taught man what he did not know*”

Other Quranic verse which advocates knowledge and learning is as:

Translation:

“Allah will raise to high ranks those that have faith and knowledge among you”

In the Hadith literature also, knowledge is highly appreciated and encouraged also. The Prophet Muhammad always emphasized the importance of knowledge to his followers and encouraged them to seek it. There are number of verses and Hadith where education of female and promoting awareness among them have been made prime responsibility of their husband to give education to their wives. Islam has repeatedly urged the Muslims to save their families from the hell fire, and the only way to do so is to educate them and enable them to choose between good and bad. Seeking of knowledge is mandatory for both men and women in Islam.

It is evident from the following Hadith which says, *“It is obligatory for every Muslim male or female, to acquire knowledge*

Another Hadith which says, *“It is duty for every father and mother to make sure that the daughters were not ignorant of the teachings of Islam, i.e. to receive education”*.

In a famous book of Hadith, Sunna -l- baihaqie, it is mentioned that the holy prophet has said,

Translation:

The one, who educates properly a slave girl, teaches her discipline, good manner, declares her free and then go for marrying her, will have double rewards. From the above verses it is quite evident that Islam is serious about female education and went on to say that educate your female slaves also before setting them free. There is no text in Quran or hadith which has banned the education of female or women at all, but there are so many Quranic verses and so many sayings of Prophet which have made the education of both the genders compulsory in all respects. It is only the partial systems which have made it compulsory for male only.

Political rights:

Both men and women in Islam are allowed to and should participate in affairs of the society. The women have the right to vote and to be consulted in matters at family, community and other levels.

Allah has said:

Translation:

Allah commands you to render back your Trusts to those to whom they are due; and when you judge between people that you judge with justice: verily how excellent is the teaching which He gives you! For Allah is He Who hears and sees all things.¶ (Al- Quran chapter no. 4. Verse no.58).

Women participation in law making is also an essential feature of political rights of women given by Islam. The women in the times of the Prophet use to participate in the law making process of the state and there is no obligation on the women that can retain them from this right. It is clear from the above fact Once Hazrat Umar was discussing about regulation of Mehr in the Mosque. They were considering putting restrictions on the Mehr as some people discouraged young Muslim men from getting married. A lady from the back-

seat of the Mosque objected, giving Quran reference. She said none has the right to introduce this. "When Allah has not put restrictions on the Mehr then who are you to put restrictions to it." Hazrat Umar humbly replied that the woman was right and Umar wrong. In Political terminology, the women's objection will be called objection to the breaking of the law of the constitution.

In Chapter 9 Verse 71 of the Quran it is stated that,
Translation:

"The believing men and women are protectors of one another."

They are protectors and supporters to each other not only in social affairs but also in public affairs. So it is clear from the above verse that men and women have the same political responsibility.

Prophet Muhammad (PBUH) has proclaimed new rights for women; he enshrined their inequality in immutable law, passed down as God's commandments and eventually recorded in scripture. The Quran allots daughters half the inheritance of sons. It decrees that a woman's testimony in court, at least in financial matters, is worth half that of a man's. Under Shari'a, or Muslim law, compensation for the murder of a woman is half the going rate for men. In many Muslim countries, these directives are incorporated into contemporary law. For a woman to prove rape in Pakistan, for example, four adult males of "impeccable" character must witness the penetration, in accordance with Shari'a. Not only spiritual, economic, education and political rights have been claimed by Islam to women but the way it has protected the women in the social life a mother, daughter and wife, there is no alternative to these rights Islam has provided to women.

A brief discussion on situation of Muslim women in the present day societies:

In theory Islam has protected the rights of women in a great deal, all the basic rights of women in their capacity of being human and in relation to their various roles in the society. However a look into the practical aspect concerning, the implementation of these rights in the present day societies. There are people who knowingly or unknowingly deviate from the guidance's of Islam. Following are some examples to this effect.

Female education:

Islam commands for woman education, but this right is crushed in many families even today. Despite the fact that many institutions and organization are working for the promotion of education the literacy ratio for girls is still far below than boys. The reason is that a good number of families still forbid women and girls to go to schools to get education. These people have a misconception that women have no rights of education as per Islam but the truth is otherwise.

Decision Making and Consultation:

Islamic teachings support and advocate women involvement in the decision making at home, community and other levels. However, Muslim women in the present day society have yet to access this right particularly in matters having negative impact on their social status. They are not consulted in decision concerning the number of children even if they are not in a sound health. At times their role is just to produce as many children their husband and other family member's desires.

Exploitation of Women as Labourer:

There are many girls and women belonging to the peasant and poor classes who work in the house of their landlords and masters as servants without receiving any wage.

This is sheer exploitation of the poor women by the powerful. In addition, Islam has prohibited hard labour for women especially for weak, pregnant and suckling woman. However, a good number of women are suffering today in various poor communities especially in the refugee camps to earn their living through hard labour.

Miscellaneous

Gender discrimination is a major constraint in the way of development of the women in the society. At times, they are not only deprived of their basic rights but sometimes victimized just for being women. Reasons are generally invented to doubt their right to equal witness. At times their *Diyyat* is considered half of a man. Their *Ibadat* (worship, prayers) is regarded inferior to that of a man only to keep them to a subservient role in the society.

Marriage of Minor Girls:

Marriage of minor girls is another prevailing menace in the society. This very often leads to many complications between the wife and husbands and the two respective families.

Share in Inheritance:

Islam has given a predetermined ratio of share in the inherited property to women as their legitimate right, but in practice women are deprived of these rights in most parts of our society. Even the financially sound and comfortable families do not care for this right. Sometimes, a woman is denied the right of marriage so as to save transfer of her legal share in ancestors' property to her husband. In some places, the share of female members of the families is distributed amongst the male family members as forsaken property. As per the teachings of Islam it is un lawful, not to give the women their share in the property.

Custom of Dowry and Walwar:

In most of Muslim societies, women are expected to give a lot of property in the name of *Jahez* (dowry) to the husband family as per custom of society. Due to this custom, many women remain unmarried for the life. A similar custom called *Walwar* (in some communities a large amount of cash must be paid by the bridegroom to the father of the bride) has prevented women from getting married in the communities. However when we analysis the teachings of Islam, it is totally different. As per the true teachings of Islam the men have pay the dowry to the women, but in the present day societies it has become a custom to pay dowry to the bride then only the marriage will take place which has hampered the marital rights of women.

Conclusion:

As per as the teachings of Islam are concerned there is no discrimination on the bases of gender in Islam. As a conclusion one can say that women in Islam are protected and not suppressed. Islamic teachings which are mainly based on the Quran and hadith are a real source to protect the women. The general conclusion of the paper is Islamic teachings grant women a great deal of rights and autonomy. The problem within the society under examination is that the people are generally un aware about their rights and particularly the Muslim women are un aware about their own rights granted to them by Islam. Those who are aware of women's rights under Islam i.e. male population or male Muslim larders are generally reluctant to inform women about their rights in Islam, lest the challenges the status quo of the oppressive socio-cultural practices which pass for but do not conform to true Islamic teachings. The present paper reveals that there is nothing wrong with the

teachings of Islam, rather traditions, customs; geographical differences are the factors which mainly make women barriers for their own development.

Recommendations:

1. At the individual level every person in the family should understand the mutual rights and obligations of men and women as ordained by Islam.
2. At the family level the parents, especially the father and husband should pay heed to the rights of the female family members and provide them the rights bestowed upon them (females) by the Almighty Allah.
3. Local Government Councillors, both male and female, should facilitate the workers of the groups, organizations and individual activists who undertake promotion of women in development in their respective areas.
4. Human Rights organizations at local level should include the Islamic injunctions on women's rights together with the charter of Universal Declaration of Human Rights, especially in rural areas where women and men are more influenced by the religious teachings as compared to others
5. Various NGOs working for the cause of women in development and advocacy for women's rights should extend their activities to the rural areas and utilized the text of this document to strengthen their efforts.
6. Muslims leaders are reluctant to provide women with the correct knowledge of their Islamic rights.
7. Sensitization and dissemination about women rights should be made.

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